

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Brian P. Brockway, et al. Art Unit : 3766
Serial No. : 10/756,188 Examiner : Kennedy Schaetzle
Filed : January 12, 2004 Confirmation No.: 2296
Notice of Allowance Date: January 2, 2009
Title : THERAPEUTIC DEVICE AND METHOD USING FEEDBACK FROM
IMPLANTABLE SENSOR DEVICE

MAIL STOP ISSUE FEE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF ALLOWANCE AND COMMENTS ON EXAMINER'S
REASONS FOR ALLOWANCE

In response to the Notice of Allowance mailed January 2, 2009, attached is a completed issue fee transmittal form PTOL-85b. Also attached is a Letter Regarding Patent Term Adjustment.

Applicants recognize that in accordance with M.P.E.P. § 1302.14, the Examiner's reasons for allowance need not set forth all of the details as to why the claims are allowed. In the above-referenced application, Applicants do not concede that the Examiner's stated reasons for allowance are the only reasons for which the claims are allowable. Applicants agree that the particular claim elements identified in the Examiner's reasons for allowance are not disclosed or suggested by the prior art of record, yet the claims are patentable for other reasons—including the inventive combination of all of the recited claim elements.

CERTIFICATE OF MAILING BY EFS-WEB FILING

I hereby certify that this paper was filed with the United States Patent and Trademark Office using the EFS -WEB system on this date: March 26, 2009

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Attorney's Docket No.: 22570-0032001

Please charge the \$755 issue fee to Deposit Account No. 06-1050 and reference attorney docket number 22570-0032001. Please apply any additional charges or credits to our Deposit Account No. 06-1050.

Respectfully submitted,

Date: March 26, 2009 _____

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